

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSAB 2002-19
)	OSHCO ID N2974
DIRECTOR, DEPARTMENT OF LABOR)	INSPECTION NO. 304217235
AND INDUSTRIAL RELATIONS,)	
)	ORDER NO. 13
Complainant,)	
)	PRETRIAL ORDER
vs.)	
)	
M. DYER & SONS, INC.,)	
)	
Respondent.)	

PRETRIAL ORDER

Pursuant to the representations of counsel at the initial conference held on June 17, 2002, and the further agreement between counsel, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:
 - (a) Whether Respondent violated Hawaii Administrative Rules (HAR) §12-60-2(b)(A)(i) as described in Citation 1, Item 1, issued on April 5, 2002?
 - (i) Whether the characterization of the violation as “serious” is appropriate? If not, what is the appropriate characterization?
 - (ii) Whether the imposition and amount of the \$375.00 proposed penalty is appropriate? If not, what is the appropriate penalty?
 - (b) Whether Respondent violated 29 CFR 1910.23(c)(1) as described in Citation 1, Item 2, issued on April 5, 2002?
 - (i) Whether the characterization of the violation as “serious” is appropriate? If not, what is the appropriate characterization?
 - (ii) Whether the imposition and amount of the \$500.00 proposed penalty is appropriate? If not, what is the appropriate penalty?

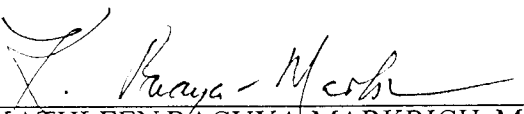
- (c) Whether there are feasible means to abate, eliminate or materially reduce the alleged hazards?
2. Trial is scheduled on February 3, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
3. Discovery deadlines are:
- | | |
|-------------------------------|------------------|
| Designation of live witnesses | December 9, 2002 |
| Discovery cut-off | January 6, 2003 |
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, September 26, 2002.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

J. Gerard Lam, Deputy Attorney General
Jeffrey S. Harris, Esq.